

74  
09

K RB SMM

# BOARD OF SELECTMEN MEETING MINUTES

4/27/10

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 7:05 P.M. with the Pledge of Allegiance

## **PUBLIC DISCUSSION**

Dave want people to understand that when we talk about personnel changes, it's not a reflection on the people, we value them, we appreciate their work, it's just changes in the economy and how we have to deal with them.

## **ANNOUNCEMENTS**

Chair expressed appreciation to the Lunenburg Civic Forum and the Lunenburg Ledger for hosting the Board of Selectmen debate last night. This will be rebroadcast on the local access cable station on this Thursday @ 9:00 pm, Friday @ 8:00 pm and next week on Monday @ 8:00 pm, Thursday @ 9:00 pm and once again on Friday @ 8:00 pm.

This Saturday at 9:00 the Annual Town Meeting is scheduled @ the Lunenburg High School Auditorium.

**1. Congressman John Oliver** - will be at the Eagle House Senior Center on Monday May 3rd at 12:30 pm to discuss the Healthcare Law Reform Bill. There will be a brief 10-15 minute presentation followed by a question and answer period. All senior citizens in Lunenburg and surrounding towns are welcome to attend. For more information call the Senior Center at 978-582-4166.

**2. Household Hazardous Waste Day, May 1<sup>st</sup>, 9:00 am - 1:00 pm, Devens DPW, 99 Buena Vista St.** - DATE: Saturday, May 3, 2008, 9:00 am -1:00 pm, PLACE: Devens DPW, 99 Buena Vista Street, **WHO:** Anyone, small business, non-residents, **FEE:** varies depending on volume & items, Simple Pre-registration: [www.MassToss.com](http://www.MassToss.com) or call Tessa at 978-660-6130.

**3. Yard Waste Days - Saturdays - April 24<sup>th</sup> - May 29<sup>th</sup>, 8:00 am - 4:00 pm, Closed Landfill, Youngs Road** - at the closed landfill, Youngs Road - Guidelines for disposal of yard waste for Lunenburg residents: The Lunenburg Landfill, off of Youngs Road will be open for consecutive Saturdays APRIL 24TH - MAY 29, 2010, 8:00 a.m. to 4:00 p.m., Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches ... unlimited length). Shrubbery and plantings; with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. **OPEN TO LUNENBURG RESIDENTS ONLY. TRAVEL PERMITTED ONLY ON TOWN EASEMENT. NO TRESPASSING ON TRI-TOWN LANDING CONSTRUCTION SITE.**

**4. Memorial Day Services, Lunenburg Post No. 283, American Legion - Veteran's Park - 5/30/10 @ 11:45 am** - Chair would like to get a response to Ernie no later than May 10<sup>th</sup> as to whether a Board of Selectmen member will be able to speak at the event.

## **APPOINTMENTS**

### **CURRENT BUSINESS**

#### **1. Minutes - None**

**Warrants** - #22P 10, 4/29/10 - \$563,433.35 and #55 10, 4/27/10 - \$184,242.70 reviewed and signed.

**Action File Issues** - Chair questioned if we will be having an alcoholic license application, informed that one is scheduled for next week, Dario's is changing from a Wine & Malt General on Premise to an All Alcoholic General on Premise. Also questioned whether the office has advertised the licenses that are available and as of yet we have not as we were awaiting notification from the ABCC on the denial of the appeal for Bengal's Convenience.

#### **2. Manager Updates -**

**3. Special / Annual Town Meeting** - Kerry informed the board of two additional changes which have occurred since their last meeting. A reduction of town employees by 2 FTE, total savings between salaries and benefits is approx \$91,082. one within general gov't and one within public works. Recommendation was that those funds be appropriated to the school.

Appropriating these funds to the school would increase the manager's prior appropriation from \$14,300,000 to 14,391,949. Additionally, in recognition to put this together, both the school and town departments will be reducing staff and as the board has previously agreed to; as the unemployment costs are one time expenditures, the appropriation to cover the costs for the layoffs would be funded out of the stabilization fund as a funding source. Non-school total estimated unemployment cost worst case scenario is about \$36,000 and within the school \$177,128 totaling approximately \$213,252.00 which would be the cost of unemployment expenses within the town as a whole, 12 FTE reductions in the school and 2.6 FTE non-school departments (town reductions), to be taken out of the stabilization fund. If you look at total employment within the school this reduction equates to a 5% reduction as does the town side.

Total appropriation for the school including the unemployment costs would therefore be \$14,569,077.00. Also discussed identifying by separate line unemployment expenses that will be funded under line 14A (town) and 79A (school) within the Omnibus Budget. Tom M., questioned if the school has voted on their budget at this point and per Kerry, the School Committee will be voting on the school budget at their meeting scheduled for tomorrow.

Dave noted that we're not, not funding town operations to fund school operations. Noted that we have a plan in place to replace the positions that are being eliminated on the townside. Per Kerry, unfortunately the town reductions are necessary at this point in time. The cleaning of some of the town buildings is currently provided for in-house and we will be outsourcing. There is definitely a loss that will be felt as this individual also sets up for meetings and the second reduction is as a result of technology improvements so that departments will be able to enter their information remotely and departments want to be able to see the impact real time. There will also be staff involved as the impacts will be felt throughout the administration departments. Hope to be able to provide a better service.

Kerry reviewed the attached information under Special Town Meeting Article 1 and the monies remaining within the Salary and Finance Committee Reserve accounts. Within General Government we have projected what we expect to expend through year end, right now there are three transfers which is the balance of articles related to employees under the Salary Administration Plan and two other articles within the operating budget from 1995, small dollar amounts. The only way we can get rid of those is to re-appropriate them. After all these adjustments still have a deficit of \$36,000 due in part to the legal expense, which is predicted to be in excess of \$65,000. Would like to request that the board support a transfer from the Stabilization Fund to fund a portion (\$36,000) of the legal expenses to due two cases in particular; Hollis Hills and the O'Brien lawsuits.

Central Purchasing a deficit of \$6,800 and will be transferring funds to cover this deficit. A deficit of \$35,464 police salaries, to be covered by transferring funds.

The snow and ice deficit is at \$116,000.00 and it is Kerry's intention to carry this forward into next fiscal year. She would like the board to fund the full legal deficit for at least those two noted cases out of the Stabilization Fund.

Paula questioned if Kerry has an estimated projection on the building permit fees (Tri-Town & Emerald Place developments) that can be allocated to free cash and would be able to fund the snow and ice deficit. Kerry believes that this is feasible, but noted that we have to look at our other deficits as well and would like to only have to work with the smallest amount. Would not propose setting aside the snow and ice deficit without knowing that she would be able to cover it. The only deficit that we can carry forward is the snow and ice and as Kerry is able to make some adjustments to bring this deficit down to \$90,000 she (Paula) would be comfortable having to carry this deficit forward.

Steve is concerned with taking an additional amount out of the stabilization fund.

Two outstanding issues are the snow and ice deficit and the remaining \$36,000 in General Government. Chair would support the \$36,000 plus additional at this time. Paula would be more comfortable if we would be able to see what our free cash will be and would like to see us carrying the total snow & ice forward. Tom M., concurred would be able to support up to the \$36,000.

Dave didn't concur with the \$36K withdrawal from stabilization for legal and agreed to instead carry forward snow and ice to the fall to see where free cash comes in.

Steve questioned a larger amount of building fees that potentially may be coming in and per Kerry 50% of the permits for Emerald Place; \$157,000, have been pulled and the permits for Tri-town have been pulled. If we are to carry the total snow and ice deficit forward that would leave us with \$10,344.00, which she will work with the budget to try and bring it closer.

Also presented information on the Solid Waste Recycling Program, and the Solid Waste Enterprise Fund. Proposing a 20% increase in the cost of bag fees, which would generate \$47K, not asking the board to decide on this at this meeting but potentially for a future meeting.

Dave questioned the past increases to bag fees and whether it appears that we've seen a drop off in usage. Per Kerry this is very difficult to determine, but she doesn't believe that we've seen a drop off as a result of the bag increase. She has also spoken with the haulers and they don't see a decrease in participation. We've gone out to private haulers and it's still quite a bit more expensive for households to use these versus the PAYT program.

Steve questioned the operating budget, our thought process was generally 50%, questioned what was the thought process as he sees far more people recycling versus utilizing the bags. Per Kerry looked at sharing the costs 60/40, noted that there isn't any good way to identify what percentage of the total monthly fee is applicable to trash versus recycling.

Steve's concern is we continue to get away from a program that is affordable, we'll be going back to the way that we were previously with private haulers, doesn't believe that funneling money away from the program and raising fees helps.

Per Tom A., what the town manager has been trying to do is estimate how much of each service is being utilized, the recycling portion is available to everyone and should include the cost for the municipal buildings. The rest should be funded by the users of the program but he is willing to consider raising fees and just trying to determine the best option to bring this forward.

Paula moving forward the cost will be separated out in the next bid and per Kerry, we will request this and we had this option on the past bid, however, the unsuccessful bidder was the only one to submit a bid separate for both trash and recycling.

Steve believes that it would be in our favor to have a cost utilizing just one vehicle for both pickups, trash & recycling. Would like to see if we can get a number from Waste Management.

Dave questioned a participation fee and how we would add this on. Per Kerry this would be difficult, some communities will do a voluntary, some will be through a utility billing.

Kerry also updated the board on reappropriating the \$51K remaining from sale of real estate Revolving Account to fund Town Hall renovations. Pat Slattery has provided a number of floor plans and the building inspector has been costing out the project. At this point in time, she doesn't believe that she'll have the actual floor plan available, but the expenditure will be to upgrade the bathrooms to be handicap accessible, flooring and town office space layouts. Per Tom M., think it's important to get the renovations underway, as far as having the final plans available, this is not as important. Would want to see the funds made available at this point and the final determination can be made in the future. Kerry can provide the various versions that we have, but the current version is not quite right and does not have an issue in not moving forward with the project until the board signs off on the plans. Steve concurred we need to tie the money up so that we'll have it when we try to fix it up, need to back into the plan. Paula believes that it absolutely makes sense and we need to move forward with the plans, knowing that we are working with a conceptual plan and we should be able to get this approved at town meeting.

## **OLD BUSINESS**

### **1. Committee Updates -**

**2. Town Manager Evaluation** – Chair requested that members have this filled out for a week from Friday, May 5<sup>th</sup> and would like to have them tabulated together for the meeting on May 11<sup>th</sup>.

## **APPOINTMENTS/REAPPOINTMENTS**

RJ Thibeault from Municipal Utilities Task Force submitted a resignation to the Chair, has offered to continue his involvement in assisting members of the task force. Letter of appreciation to be sent.

Paula knowing that we have had meetings with Ruth Ste. Marie and she would have no problem in appointing her as an acting member of the Utilities Task Force. Board concurred and voted to appoint Ruth to fill the vacancy left by RJ's resignation, letter to be sent.

Next Board of Selectmen meeting scheduled for Saturday, May 1<sup>st</sup> @ 8:00 am.

## **EXECUTIVE SESSION**

### **1. Negotiation Strategies**

Being no further business board voted unanimously to adjourn Regular Session at 8:47 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen

FY2011 School Appropriation, Town Manager Recommended	\$	14,300,000
add: Option #1 Cuts (Non-School Departments)	\$	<u>91,082</u>
FY2011 School Appropriation, Adjusted	\$	14,391,949
add: Unemployment Expense, Round 1 & 2	\$	<u>177,128 (STAB)</u>
<b>FY2011 School Appropriation, Final Adjusted</b>	<b>\$</b>	<b><u>14,569,077</u></b>

\$33K

60  
30%  
3270  
12 FTE  
2.6 FTE

Regards,

4/27/2010

1

Y11 4/27/10 Town Manager Rec	
1,938,212	
959,585	
2,446,083	
1,201,155	
41,656	
2,322,821	
66,361	
114,986	
1,304,418	
15,117,099	
329,791	
2,500	
25,844,655	
426,243	
130,705	
592,073	
1,149,021	
145,000	
583,808	
5,500	
317,785	
15,000	
939,495	
29,000,268	

\*\*\* ARTICLE 31. To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Council on Aging\Montachusett Area Regional Transit (MART) Elderly Transportation Revolving Fund; the operation of said account shall be conducted by the Council on Aging, and the Senior Center Director; funds in this account shall be spent on the dispatch, operation, maintenance and record keeping of the MART vehicles for the elderly transportation program; all receipts resulting from MART reimbursements shall be credited to this account; said revolving account expenditures shall not exceed 38,000 per year without the prior approval of the Board of Selectmen and the Finance Committee; or take any other action relative thereto. Submitted by Council on Aging. Board of Selectmen & Finance Committee recommend approval.

## **SPECIAL TOWN MEETING WARRANT**

Tom Alonzo 2/3 ARTICLE 1. I move that the Town vote to appropriate from \_\_\_\_\_.... transfer to \_\_\_\_\_ to amend the amounts voted for the Town's FY'10 Budget, under Article 6 of the May 2, 2009 Annual Town Meeting Warrant and Article 4 of the December 1, 2009 Special Town Meeting Warrant. Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

NOTE: REFER TO TOWN MANAGER

Paula Bertram MAJ ARTICLE 2. I move to pass over Article 2.

Note ARTICLE 2 was: To see if the Town will vote to appropriate from available funds a sum of money from the Stabilization Fund. Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

## **ANNUAL TOWN MEETING WARRANT**

Steve deBettencourt MAJ ARTICLE 1. I move the Town vote to hear and/or accept the regular written reports of the Town Officers and Committees. Submitted by Board of Selectmen. Board of Selectmen recommend approval.

David Matthews MAJ ARTICLE 2. I move the Town vote to transfer from sale of real estate Revolving Account \$51,252.14 to fund Town Hall renovations. Submitted by Town Manager. Board of Selectmen recommendation @ Town Meeting, Finance Committee recommends approval.

NOTE: REFER TO TOWN MANAGER

Thomas Mason 2/3 ARTICLE 3. I move the Town vote to appropriate \$1,100,000.00 for renovations to the DPW Facility and all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,100,000.00 under M.G.L. Chapter 44, Section 7 (3A) or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project. Submitted by Town Manager. Board of Selectmen recommend approval, Finance Committee recommendation @ Town Meeting.

NOTE: REFER TO DPW DIRECTOR, JACK RODRIQUENZ AND/OR DAVE MACDONALD for brief presentation of the Task Force findings.

Tom Alonzo MAJ ARTICLE 4. I move the Town vote to raise and appropriate any and all funds to fund the FY11 Public Employees Local Union 39 of the Laborer's International Union of North America, AFL-CIO, (Middle Managers) July 1, 2010 – June 30, 2013. Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

Paula Bertram MAJ ARTICLE 5. I move to pass over Article 5.

Draft

4/27/2010

No agreement reached with Police Officers.

Note ARTICLE 5 was: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY11 Police Officers Collective Bargaining Agreement dated July 1, 2010 – June 30, 2013 with IBPO Local 353, AFL-CIO. Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

**Steve deBettencourt** MAJ ARTICLE 6. I move to pass over Article 6.  
No agreement reached with Dispatchers.

Note ARTICLE 6 was: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the FY11 Teamsters Local #170, Worcester, MA, Public Safety Telecommunication Unit, July 1, 2010 – June 30, 2013. Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

**Robert Rand** MAJ ARTICLE 7. I move the Town vote to amend Article XV of the Town's By-law entitled "Salary Administration Plan" of the Town of Lunenburg, by deleting Section 19. Sick Leave, Schedule A: Salary Schedule and Schedule A: Classification Plan in their entirety and substituting therefore a new Section 19. Sick Leave (see page 15 of Town Meeting Warrant), a new Schedule A: Salary Schedule and a new Section A: Classification Plan, to be effective July 1, 2011, as proposed by the Personnel Board (Copy on file in the Selectmen's & Town Clerk's office and on the website @:[www.lunenburgonline.com](http://www.lunenburgonline.com)), in order to change the section on Sick Leave, replace the Pay Schedule with a completely new one, and amend the Classification plan to reflect the new grades. Submitted by Personnel Committee. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

NOTE: Refer to Handout

**Thomas Mason** MAJ ARTICLE 8. I move the Town raise and appropriate the sum of \$15,000 to retain the services of a qualified firm to conduct field audits of all personal property accounts pursuant to a Department of Revenue mandate that all such accounts be audited at least once every nine years. Submitted by Board of Assessors. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

**David Matthews** MAJ ARTICLE 9. I move the Town vote to transfer unexpended bond proceeds from 1991 Special Town Meeting, Article 2, in the amount of \$81,153.16 to be used for other road improvement projects. Submitted by Town Manager. Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.

NOTE: REFER TO TOWN MANAGER

**Tom Alonzo** MAJ ARTICLE 10. I move the Town vote to appropriate from Water Enterprise Revenues the sum of \$2,500.00 to operate the Water Department. Submitted by Board of Selectmen. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

**Steve deBettencourt** MAJ ARTICLE 11. I move the Town vote to appropriate from Solid Waste / Recycling Disposal Enterprise Revenues \$\_\_\_\_\_ to operate the Solid Waste / Recycling Disposal Program. Submitted by Board of Selectmen. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

**Paula Bertram** MAJ ARTICLE 12. I move the Town vote to appropriate from Sewer Enterprise Revenues the sum of \$\_\_\_\_\_ and appropriate from Sewer Retained Earnings the sum of \$\_\_\_\_\_ to operate the Sewer Department. Submitted by Sewer Commission. Board of Selectmen & Finance Committee recommendations @ Town Meeting.

**Marion Benson** MAJ ARTICLE 13. I move the Town vote to raise and appropriate the sum of \$295,000.00 and to transfer the sums of \$2,000.00 from Article 37 of the 1999 ATM, \$633.98 from Article 4 of the 2006 ATM, \$678.10 from Article 7 of the 2007 ATM, \$144.39 from Article 5 of the 2007 STM, \$2.77 from Article 8 of the 2008 ATM,

\$13,707.61 from Article 7 of the 2009 ATM, \$5,212.82 from Article 5 of the 2005 ATM, \$405.33 from Article 21 of the 2006 STM for a total FY2011 Capital Plan of \$317,785.00 (as appearing in the Capital Planning Financial Report). *Submitted by Capital Planning Committee. Board of Selectmen & Finance Committee recommends approval.*

NOTE: REFER TO HANDOUT AND/OR PAGE 6 OF THE TOWN MEETING WARRANT

*Dave Matthews*      *MAJ ARTICLE 14.* I move the Town vote to raise and appropriate the sum of \$24,724,551.00, transfer \$10,872.00 from Septic Receipts Reserved for Appropriation, transfer \$30,715.00 from the Sewer Enterprise Fund, transfer \$802,490.00 from the Sewer Betterment Fund, transfer \$62,779.00 from the Water Betterment Fund and transfer \$213,252.00 from the Stabilization Fund for a total appropriation of \$25,844,659.00 to defray the charges and expenses of the Town for Fiscal Year 2011 and to fix the salaries and compensation of all elected officials of the Town and any other items included in the budget of the Town Manager. *Submitted by Town Manager. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

NOTE: REFER TO TOWN MANAGER

*Thomas Mason*      *MAJ ARTICLE 15.* I move to pass over Article 15.

Note ARTICLE 15 was: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money in the amount of \$750,000.00 to be expended under the direction of the School Building Committee for a feasibility study at the Lunenburg High School, 1079 Massachusetts Avenue, Lunenburg, MA 01462, for which feasibility study the Town of Lunenburg may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Lunenburg incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Lunenburg. *Submitted by School Committee. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

*Paula Bertram*      *MAJ ARTICLE 16.* I move to pass over Article 16.

Note ARTICLE 16 was: To see if the Town will vote to amend the Town by-law Article IX, Section 21 of the entitled "Sewer Betterment Assessments"(copy on file in the Selectmen's and Town Clerk's Office) by adding the following section ... *Submitted by Sewer Commission. Board of Selectmen recommends approval, Finance Committee recommendation @ Town Meeting.*

*Steve deBettencourt*      *2/3 ARTICLE 17.* I move the Town vote to transfer the care, custody and control of an approximately four hundred (400) square feet portion of Meadow Lane, "as shown on a plan entitled "Proposed Soil Absorption System "Upgrade" in Lunenburg Massachusetts designed for William & Amy Mish" dated September 09, 2009" on file with the office of the Town Clerk & Board of Selectmen, a public way, from the Board of Selectmen for public way purposes to the Board of Selectmen for public way purposes and for the purpose of granting a non-exclusive construction grading easement; and further to authorize the Selectmen to convey said easement to the owners of property located at 29 Meadow Lane and identified on Assessor's Map 070 as Lot 044, for the purpose of constructing, maintaining and repairing the breakout portion of the septic system located on said property, on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate. *Submitted by Board of Selectmen. Board of Selectmen recommends approval. Finance Committee - no financial impact.*

*Emerick (Toby) Bakaysa*      *2/3 ARTICLE 18.* I move the Town vote to amend the Zoning Bylaw by deleting the current Section 2.1.1.17. Frontage and replacing with a new Section 2.1.1.17. Frontage.



**NOTE: REFER TO HANDOUT**

*PIBrd Reasoning: The new Section 2.1.1.17. Frontage definition presented in this Article clarifies frontage. The definition that is currently in our Bylaw (handout schematic) did not clearly define all aspects of measurements for different frontage types. This was brought to the Town's attention in a recent court case. The frontage definition in this Article presents clearer verbiage for all types of frontage as well as specific wording of distance measured along the front boundary of a lot coinciding with the street line.*

**The corrected Section will read as follows: 2.1.1.17. Frontage**

The distance measured along the boundary of a lot coinciding with the street line, being an unbroken distance through which actual access to the potential building site shall be required, provided that:

1. **a)** The lot is on a street or way legally accepted by Town Meeting vote, or **b)** The lot is on a street or way established by a state or federal authority, or **c)** The lot is shown on a street or way established by a subdivision plan approved in accordance with the Subdivision Control Law, or **d)** The lot is on a street or way on a list maintained by the Town Clerk, which is determined to qualify for frontage under the provisions of this Section.

And 2. **a)** For a corner lot, which has a corner with a radius, frontage shall be measured between the above described lot line and the midpoint of the arc made by the common radius, or **b)** For a corner lot, which has no radius, frontage shall be measured between one side lot line and the intersection with the abutting street right of way line, or **c)** For a lot with frontage on a curved portion of a cul-de-sac, frontage shall be measured along a straight line running between the points where the lot's sidelines intersect with the street's right of way line. Submitted by Planning Board. Board of Selectmen recommendation @ Town Meeting. Finance Committee -- no financial impact.

**Emerick (Toby) Bakaysa 2/3 ARTICLE 19.** I move the Town vote to amend the Zoning Bylaw by correcting Section 4.2.1.1.b) by; after the words "Residence A" deleting the words "or Outlying Districts", adding after the words "Residence A" the word "Districts", and adding after the words "Residence B District" the words "or Outlying Districts".

**NOTE: REFER TO HANDOUT**

*PIBrd Reasoning: With the passage of Article 15 at the May 2, 2009 Annual Town Meeting, the Zoning Bylaw was amended to change the required lot area in the outlying District from 40,000 square feet to 80,000 square feet. This change was made to Section 5.0. Dimensional Regulations, but Section 4.2. Residence and Outlying District Uses, Sub-Section 4.2.1.1.b) was overlooked. The above Article will bring Section 4.2.1.1.b) current with Section 5.0. Dimensional Regulations.*

**The corrected Section will read as follows: b)** An accessory housing unit may be attached to or within a primary dwelling provided the primary dwelling unit is on a lot of forty thousand (40,000) square feet or more in the Residence A Districts or eighty thousand (80,000) square feet or more in Residence B Districts or Outlying Districts and further providing that: Submitted by Planning Board. Board of Selectmen recommends approval. Finance Committee -- no financial impact

**Emerick (Toby) Bakaysa 2/3 ARTICLE 20.** I move the Town vote to amend the Zoning Map to show the new delineation of the Water Supply Protection District of the Town, by deleting the current Section 4.9.2.1, "District Delineation," (including subsections a) and b)) and replacing it with the following: 4.9.2.1 The boundaries of the Water Supply Protection District shall be as follows: Zone I, Zone II, and Zone III for the Town of Lunenburg, approved by Department of Environmental Protection (DEP) according to Map 1 entitled Water Protection District, revised October, 2009, or take any other action relative thereto. Submitted by Planning Board. Board of Selectmen recommendation @ Town Meeting. Finance Committee -- no financial impact.

**NOTE: REFER TO HANDOUT**

*PIBrd Reasoning: New Zones I, II, and III have been approved by the Department of Environmental Protection (DEP), but not by the Town. The amended zoning map will include the protection areas for the new well on the South side of Town near the Towns of Shirley and Lancaster.*

**Mary Ellen McKenna MAJ ARTICLE 21.** I move to pass over Article 21.

Note ARTICLE 21 was: I move the Town vote to rescind the vote of ARTICLE 12, of the May 5, 2007 Annual Town Meeting, which established the Regional School District Planning Committee. *Submitted by Petition. Board of Selectmen recommendation @ Town Meeting. Finance Committee – no financial impact.*

**Mary Ellen McKenna MAJ ARTICLE 22.** I move to pass over Article 22.

Note ARTICLE 22 was: I move the Town vote to re-appropriate unexpended balances from ARTICLE 12, of the May 5, 2007 Annual Town Meeting and ARTICLE 2 of the May 2, 2008 Special Town Meeting to be utilized to update the 2010 Lunenburg Schools Feasibility Study, by using the architectural firm of D.R.A. who did a complete Lunenburg Schools Feasibility Study of 2007, to meet all the requirements of the M.S.B.A. *Submitted by Petition. Board of Selectmen & Finance Committee recommendations @ Town Meeting.*

**Kahn Mohiuddin 2/3 ARTICLE 23.** I move the Town vote to change zoning status of 950 Massachusetts Ave., Lunenburg and identified on Assessor's Map 071 as Lot 078 from Residential "A" to Retail Commercial and by amending the Zoning Map to show the Revised District. *Submitted by Petition. Board of Selectmen recommendation @ Town Meeting. Finance Committee – no financial impact.*

**NOTE: REFER TO HANDOUT**

**Judy Comeau 2/3 ARTICLE 24.** I move the town vote to approve a zoning change at 3 Lancaster Ave. and identified on Assessor's Map 071 as Lot 001 from Limited Business Residential to Retail Commercial and by amending the Zoning Map to show the Revised District. This change would make Trudies Treats in the same zoning district as the other businesses located less than 200 ft away. *Submitted by Petition. Board of Selectmen recommendation @ Town Meeting. Finance Committee – no financial impact.*

**NOTE: REFER TO HANDOUT**

**Petitioner ARTICLE 25.** I move that the Town vote to accept as a Town Way, Lena Lane as shown on a plan on file in the Board of Selectmen and Town Clerk's Office entitled Lena Lane Acceptance Plan of Land in Lunenburg, MA prepared for Gerard A. Albert, November 26, 2008, by Whitman & Bingham Associates, LLC, Registered Professional Engineers & Land Surveyors, 510 Mechanic Street, Leominster, MA 01453 and to authorize the Board of Selectmen to accept a deed of a fee interest in said road. *Submitted by Petition. Board of Selectmen recommendation @ Town Meeting. Finance Committee – no financial impact.*

**CONSENT CALENDAR ARTICLES 26 - 31**

**Tom Alonzo MAJ ARTICLE 26.** To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½ the Ambulance Billing revolving. The purpose of this fund will be to cover the cost associated with compensating third party advanced life support companies and third party billing companies that contract and supply services to the town. Five per cent (5%) of the total revenue generated by ambulance services rendered and 100% of the revenue generated by Advanced Life Support services rendered shall be deposited into said revolving fund. The proceeds of said Revolving Fund shall be expended by the Fire Department without further appropriation for the sole purpose of reimbursing the aforementioned companies for services rendered to the town; expenditures from the revolving fund may not

exceed \$50,000 during the fiscal year without the approval of the Board of Selectmen and Finance Committee, or take any other action relative thereto. *Submitted by the Board of Selectmen.. Board of Selectmen & Finance Committee recommend approval.*

**Paula Bertram**      **MAJ ARTICLE 27.**      To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½ the Timber Rights revolving fund, such fund to be credited with the proceeds of sale by the Conservation Commission of the rights to harvest timber; funds in the account to be expended for the acquisition of land for conservation purposes and associated costs of such acquisitions, including but not limited to appraisals and payment of accrued taxes; such funds may also be expended for improvements on land already under the custody and control of the Conservation Commission; the Conservation Commission may expend such funds without further appropriation; expenditures from the revolving fund may not exceed \$5,000 during the fiscal year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. *Submitted by the Board of Selectmen. Board of Selectmen & Finance Committee recommend approval.*

**Steve deBettencourt**      **MAJ ARTICLE 28.**      To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Custodial Special Detail Revolving Fund, for the purpose of paying special detail salaries for outside functions. Charges and money received from outside organizations in connection with this program are to be deposited in said revolving fund and expended by the Lunenburg School Committee without further appropriation for the sole purpose of paying personnel for hours worked. Said revolving account expenditures shall not exceed \$25,000 per year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. *Submitted by the Board of Selectmen. Board of Selectmen & Finance Committee recommend approval.*

**Thomas Mason**      **MAJ ARTICLE 29.**      To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Greenthumb Revolving Fund, to support the Greenthumb Program at Lunenburg High School. Fees, charges, and money received from sales of items in connection with this program are to be deposited in this Revolving Fund Account and expended for the operation of this program by the Lunenburg School Committee without further appropriation; said revolving account expenditures shall not exceed \$10,000 per year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. *Submitted by the Board of Selectmen. Board of Selectmen & Finance Committee recommend approval.*

**Dave Matthews**      **MAJ ARTICLE 30.**      To see if the Town will re-authorize in accordance with MGL Chapter 44, §53E½, the Library Revolving Fund, to receive funds from library fines and penalties, donations and bequests up to \$12,000, said funds to be expended by the Trustees of Lunenburg Public Library for the purchase of library and information materials and document information and electronic data delivery charges expenditures from the revolving fund may not exceed \$12,000 during the fiscal year without the approval of the Board of Selectmen and Finance Committee; or take any other action relative thereto. *Submitted by the Board of Selectmen. Board of Selectmen & Finance Committee recommend approval.*

**Tom Alonzo**      **MAJ ARTICLE 31.**      To see if the Town will vote to re-authorize in accordance with MGL Chapter 44, §53E½, the Council on Aging\Montachusett Area Regional Transit (MART) Elderly Transportation Revolving Fund; the operation of said account shall be conducted by the Council on Aging, and the Senior Center Director; funds in this account shall be spent on the dispatch, operation, maintenance and record keeping of the MART vehicles for the elderly transportation program; all receipts resulting from MART reimbursements shall be credited to this account; said revolving account expenditures shall not exceed 38,000 per year without the prior approval of the Board of Selectmen and the Finance Committee; or take any other action relative thereto. *Submitted by the Board of Selectmen Board of Selectmen & Finance Committee recommend approval..*

# FY2011 Solid Waste Recycling Program Budget

	FY2007	FY2008	FY2008 Actual	FY2009	FY2010	FY2011
<b>Revenue</b>						
Bag Revenue: Small	\$ 46,000	\$ 46,000.00	\$	\$ 57,500.00		
Bag Revenue: Large	\$ 216,400	\$ 216,000.00	\$ 253,460.00	\$ 275,400.00	\$ 312,400.00	\$ 359,260.00
Operating Budget	\$ 192,739	\$ 236,000.00	\$ 230,000.00	\$ 80,000.00	\$ 165,000.00	\$ 125,000.00
Reserves			\$	\$ 40,000.00	\$	\$
Interest Earnings			\$ 5,010.75	\$	\$ 2,000.00	\$ 3,500.00
Participation Fee	\$ -	\$ -	\$	\$ -	\$ -	\$ -
<b>Total:</b>	<b>\$ 455,139</b>	<b>\$ 498,000.00</b>	<b>\$ 488,470.75</b>	<b>\$ 452,900.00</b>	<b>\$ 479,400.00</b>	<b>\$ 487,760.00</b>

<b>Expenses</b>						
Curbside Pick & Recycling	\$ 323,666	\$ 323,666.00	\$ 323,666.00	\$ 330,000.00	\$ 362,096.00	\$ 362,096.00
Disposal [Tipping Fee]	\$ 120,400	\$ 120,400.00	\$ 120,400.00	\$ 109,200.00	\$ 112,988.00	\$ 112,000.00
Bags	\$ 8,724	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00
Yard Waste Days OT					\$ 1,500.00	\$ 1,500.00
Containers	\$ 2,349	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
<b>Total:</b>	<b>\$ 455,139</b>	<b>\$ 455,566.00</b>	<b>\$ 455,566.00</b>	<b>\$ 450,700.00</b>	<b>\$ 479,084.00</b>	<b>\$ 487,096.00</b>
<b>Surplus/ (Deficit)</b>	<b>\$ -</b>	<b>\$ 42,434.00</b>	<b>\$ 32,904.75</b>	<b>\$ 2,200.00</b>	<b>\$ 316.00</b>	<b>\$ 664.00</b>

## Notes:

1. Assumes FY2011 Bag Fees to be increased 20% [generates \$47K]
2. This same amount could also be generated by an annual Participation Fee of \$15/ household
3. FY2011 Enterprise Fund Budget is \$362,760

-cost per bag

2.5